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## 5 IN THE UNITED STATES DISTRICT COURT

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## FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 DALE BRETCHES,  
9 Plaintiff, No. C 06-05277 JSW  
10 v.  
11 RICHARD KIRKLAND,  
12 Defendant.

**ORDER GRANTING REQUESTS  
TO SCREEN COMPLAINT AND  
FOR STAY OF PROCEEDINGS**

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14 The Court received Defendant's requests to screen the First Amended Complaint under  
15 28 U.S.C. § 1915A and to stay proceedings until such screening has been completed. Screening  
16 applies to any "complaint in a civil action in which a prisoner seeks redress from a  
17 governmental entity or employee of a governmental entity" and is not limited to prisoners'  
18 complaints filed *in forma pauperis*. See 28 U.S.C. § 1915A; *Rowe v. Shake*, 196 F.3d 778, 781  
19 (7th Cir. 1999). In its review, the Court must identify any cognizable claims, and dismiss any  
20 claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or  
21 seek monetary relief from a defendant who is immune from such relief. 28 U.S.C.  
22 § 1915A(b)(1), (2). Plaintiff does not oppose the request for a screening. Defendant's request  
23 for a screening is hereby GRANTED.

24 Due to the upcoming hearing set for December 1, 2006 and the associated filing  
25 deadlines, Defendant requests a stay of this matter pending completion of the Court's screening  
26 process. In order to give the Court ample time to conduct an appropriate screening under 28  
27 U.S.C. §1915A, the Court GRANTS Defendant's request for a temporary stay pending a Court  
28 order on the screening. The December 8, 2006 hearing on Plaintiff's motion is hereby

1 VACATED. The Court will reset the hearing and briefing schedule on Plaintiff's pending  
2 motion for preliminary injunction, if necessary, in its screening order.

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4 **IT IS SO ORDERED.**

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6 Dated: November 1, 2006

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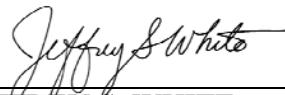
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE